

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Romspen Mortgage Limited Partnership,

Plaintiff,

v.

SB Winnetka, LLC, *et al.*,

Defendants.

No. 19-cv-05610

Judge Matthew F. Kennelly

NON-RESIDENTIAL

**ORDER APPROVING REPORT OF SALE AND DISTRIBUTION,
CONFIRMING SALE AND ORDER OF EVICTION**

This matter comes to be heard on Plaintiff Romspen Mortgage Limited Partnership's (the "Plaintiff"), motion for entry of an order approving the Report of Sale and Distribution, confirming the sale of the premise, which is the subject of the matter captioned above and described as:

PARCEL 7:

THAT PART OF LOT 16 (EXCEPT THE EAST 40 FEET THEREOF) DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 16, THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 108.63 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING WEST ALONG THE SOUTH LINE OF LOT 16, A DISTANCE OF 41.37 FEET, TO THE WEST LINE OF SAID LOT 16, THENCE NORTH ALONG THE WEST LINE OF SAID LOT 16, A DISTANCE OF 100 FEET, TO THE NORTH LINE OF SAID LOT 16, THENCE EAST ALONG THE NORTH LINE OF SAID LOT 16, A DISTANCE OF 61.47 FEET, THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID LOT 16 A DISTANCE OF 44.18 FEET, THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 16, A DISTANCE OF 20.10 FEET, THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID LOT 16, A DISTANCE OF 55.82 FEET TO THE SOUTH LINE OF SAID LOT 16, BEING ALSO A POINT OF BEGINNING ALL IN MCGUIRE AND ORR'S ARBOR VITAE ROAD SUBDIVISION OF BLOCK 4 AND THAT PART OF BLOCK 5 LYING EAST OF THE EAST LINE OF LINCOLN AVENUE IN WINNETKA, A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 20, AND THE NORTH FRACTIONAL 1/2 OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 8:

EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 7 AS CONTAINED IN THE MUTUAL EASEMENT AGREEMENT AND MUTUAL GRANT OF EASEMENT RECORDED NOVEMBER 29, 2016 AS DOCUMENT 1633449394 FOR INGRESS AND EGRESS, ALL IN COOK COUNTY, ILLINOIS.

PIN: 05-21-100-016-0000

Common Address: 727 Elm Street, Winnetka, Illinois 60093

(The "Property").

Due notice of said motion having been given, the Court having examined said report and being fully advised in the premises, FINDS:

- A. That the periods of redemption and reinstatement expired, or were waived, without either redemption or reinstatement;
- B. That this Court obtained personal jurisdiction over each defendant who is personally liable to Plaintiff for the deficiency from the sale.
- C. That all notices required by 735 ILCS 5/15-1507(c) were given;
- D. That said sale was fairly and properly conducted;
- E. That Judicial Sales Corporation, hereinafter "Selling Officer," has in every respect proceeded in accordance with the terms of this Court's Judgment of Foreclosure and Order for Judicial Sale;
- F. That Plaintiff, or the assignee of its Certificate of Sale, is entitled to a deed of conveyance and possession of Property.
- G. That justice was done.

IT IS THEREFORE ORDERED:

1. That the sale of the Property and the Report of Sale and Distribution filed by the Selling Officer are hereby approved, ratified, and confirmed;
2. That the proceeds of the sale be distributed in accordance with the Report of Sale and Distribution;
3. That Plaintiff's fees and costs arising between entry of the Judgment of Foreclosure [Dkt. 234] and entry of this Order are approved;
4. That the proceeds of the sale are insufficient to satisfy the Judgment of Foreclosure.
5. That the Property is free and clear of all liens and encumbrances, except general real estate taxes and special assessments, if any.
6. That upon confirmation under this order and upon request by the successful bidder, or the assignee of the Certificate of Sale, the Selling Officer must execute and deliver—to the successful bidder (or its assignee)—a deed sufficient to convey fee title to the Property and identifying the successful bidder (or its assignee) as grantee.
7. That the deed to be issued to the successful bidder is a transaction that is exempt from all transfer taxes—state and local—and the Cook County Recorder of Deeds is ordered to permit immediate resolution of that deed without any exemption stamps.
8. That the successful bidder, or its assignee, is entitled to, and will have possession of, the Property as of a date 30 days after this Court renders this order, *without* further judicial action or court order, as provided in Section 15-1701 of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1701).

9. If possession is withheld in defiance of paragraph 7, the Sheriff of Cook County and the United States Marshal of the Northern District of Illinois are each directed to evict and dispossess SB Winnetka, LLC and SB One Winnetka, LLC, and any of its respective agents, officers, employees, directors, members, assigns and successors from the Property *without* further judicial action or court order.

10. The municipality or county may contact the party below with concerns about the real property:

Lynne Moore
Mortgage Administration
Romspen Investment Corporation
162 Cumberland Street, Suite 300
Toronto, ON M5R 3N5
416-928-5117

11. That there shall be a deficiency judgment entered in the amount of \$19,733,340.52, personally against defendants SB Winnetka, LLC and SB One Winnetka, LLC, in favor of Plaintiff.

12. That Ryan McNaughton is formally discharged as court appointed receiver for the Property only.

Dated: August 12, 2021


HONORABLE JUDGE MATTHEW F. KENNELLY